

House Amendment 1068

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1 1 Amend the amendment, H=1063, to House File 333 as
1 2 follows:
1 3 #1. Page 1, by inserting before line 2 the
1 4 following:
1 5 <#____. Page 3, by inserting after line 3 the
1 6 following:
1 7 <____. "Horizontal and transportation
1 8 infrastructure" includes but is not limited to water,
1 9 storm water, and sanitary sewer projects, and roads
1 10 and streets as defined in section 306.3.>>
1 11 #2. Page 1, by striking lines 7 through 20 and
1 12 inserting the following:
1 13 <#____. Page 4, lines 2 and 3, by striking the
1 14 words <paragraphs "b" and "c"> and inserting the
1 15 following: <paragraph "b">.
1 16 #____. By striking page 4, line 34, through page 5,
1 17 line 35, and inserting the following:
1 18 <b. The public improvement meets one of the
1 19 following criteria:
1 20 (1) The public improvement project's total
1 21 estimated cost is one million five hundred thousand
1 22 dollars or more and at least twenty percent of the
1 23 funding is satisfied by state funds, as defined in
1 24 section 8.2, directed for infrastructure purposes.
1 25 (2) The public improvement project is for a school
1 26 district and its total estimated cost is three hundred
1 27 thousand dollars or more.
1 28 (3) The public improvement project is under the
1 29 control of the state board of regents or a community
1 30 college.>
1 31 #____. Page 6, by inserting before line 1 the
1 32 following:
1 33 <____. "Vertical infrastructure" includes but is
1 34 not limited to the public improvement of buildings,
1 35 appurtenant structures, and utilities; and site
1 36 development.>
1 37 #____. Page 7, by striking lines 20 through 35 and
1 38 inserting the following:
1 39 <4. a. (1) Vertical infrastructure-related state
1 40 licensing boards shall require licensees to submit
1 41 wage rates and fringe benefits rates data once a year.
1 42 A state licensing board shall transmit the data
1 43 annually to the division.
1 44 (2) Vertical infrastructure-related contractors,
1 45 who are registered with the division pursuant to
1 46 chapter 91C, who participate in an apprenticeship
1 47 program approved by and registered with the United
1 48 States department of labor's office of apprenticeship,
1 49 and who provide health insurance and retirement
1 50 benefits for their workers shall submit wage rates and
2 1 fringe benefits rates data once a year to the
2 2 division. The commissioner shall create an internet
2 3 website and paper forms for contractors to submit the
2 4 required information.
2 5 (3) All parties shall keep the wage rates and
2 6 fringe benefits rates information confidential.
2 7 (4) An individual who intentionally provides
2 8 misinformation about wage rates, fringe benefits
2 9 rates, or work locations commits a violation under
2 10 this chapter and shall be penalized one hundred
2 11 dollars per violation. A violation under this
2 12 subsection is grounds for a loss of licensure or
2 13 registration with the division, as applicable, which
2 14 shall be in addition to any penalty otherwise
2 15 authorized by this subsection.
2 16 b. The labor commissioner shall determine wage
2 17 rates and fringe benefits rates using data only from
2 18 licensees who receive health insurance and retirement
2 19 benefits collected under paragraph "a", subparagraph
2 20 (1), and all data collected under paragraph "a",
2 21 subparagraph (2). The prevailing wage rates and
2 22 fringe benefits rates determined in each locality
2 23 shall be set at the wage rate and fringe benefits rate
2 24 that thirty percent or more of those employed in a

2 25 particular craft, classification, or type of work are
2 26 paid in total. If a common wage rate and fringe
2 27 benefits rate is not paid to at least thirty percent
2 28 of those employed in a particular craft,
2 29 classification, or type of work, the total of the wage
2 30 rates and fringe benefits rates of all workers in a
2 31 particular craft, classification, or type of work
2 32 shall be calculated and the average wage rate and
2 33 fringe benefits rate shall be the prevailing wage rate
2 34 for that particular craft, classification, or type of
2 35 worker in that locality.>
2 36 #____. Page 8, line 1, by striking the word <b.>
2 37 and inserting the following: <c.>
2 38 #____. Page 8, by striking lines 5 through 11.
2 39 #____. Page 8, line 12, by inserting after the
2 40 figure <6.> the following: <a.>
2 41 #____. Page 8, by striking lines 17 through 23 and
2 42 inserting the following: <horizontal and
2 43 transportation infrastructure.
2 44 b. However, for federal Davis=Bacon Act prevailing
2 45 wage rates to apply, the public improvement described
2 46 in paragraph "a" must meet one of the following
2 47 descriptions:
2 48 (1) The project is funded by the state or the
2 49 state board of regents and the total estimated cost is
2 50 one hundred thousand dollars or more.
3 1 (2) The project is funded by a school district and
3 2 the total estimated cost is three hundred thousand
3 3 dollars or more.
3 4 (3) The project is funded by a county with a
3 5 population of forty thousand or more and the total
3 6 estimated cost is one hundred thousand dollars or
3 7 more. Population, for the purposes of this
3 8 subparagraph, shall be based on the most recent United
3 9 States census bureau annual census figures. Beginning
3 10 in 2011, the most recent United States census bureau
3 11 decennial census figures shall be used to calculate
3 12 population for the purposes of this subparagraph.
3 13 (4) The project is funded by a city with a
3 14 population of twenty thousand or more and the total
3 15 estimated cost is one hundred thousand dollars or
3 16 more. Population, for the purposes of this
3 17 subparagraph, shall be based on the most recent United
3 18 State census bureau annual census figures. Beginning
3 19 in 2011, the most recent United States census bureau
3 20 decennial census figures shall be used to calculate
3 21 population for the purposes of this subparagraph.
3 22 (5) The total estimated cost of the project is one
3 23 million five hundred thousand dollars or more,
3 24 regardless of the public body's population.
3 25 c. An objections and appeals process to be
3 26 established by the department of transportation in
3 27 accordance with chapter 17A shall be made applicable
3 28 to the public improvement described in paragraph
3 29 "a.">>
3 30 #3. Page 1, by inserting after line 32 the
3 31 following:
3 32 <#____. Page 15, line 29, by inserting after the
3 33 word <file.> the following: <An individual who
3 34 intentionally provides misinformation in a written
3 35 complaint commits a violation and shall be penalized
3 36 one hundred dollars and such a violation may result in
3 37 the loss of the individual's license or registration,
3 38 if applicable.>
3 39 #____. Page 18, line 28, by inserting after the
3 40 word <assessments> the following: <from the
3 41 members>.>
3 42 #4. Page 2, by inserting after line 7 the
3 43 following:
3 44 <#____. Page 20, by inserting after line 18 the
3 45 following:
3 46 <Sec. _____. NEW SECTION. 91F.14 DISASTER AREAS.
3 47 For public improvements in an area that includes a
3 48 county with a population according to the United
3 49 States census bureau 2000 decennial census between
3 50 110,000 and 375,000 that the governor has proclaimed a
4 1 disaster emergency or the United States president has
4 2 declared a major disaster during 2008, the
4 3 commissioner shall utilize the wage rates and fringe
4 4 benefits rates as set by the federal Davis=Bacon Act,
4 5 40 U.S.C., } 3141, et seq., as they apply to this

4 6 section and the public improvement criteria in section
4 7 91F.3, subsection 10, paragraph "b", shall not apply
4 8 until such time as the commissioner may determine the
4 9 appropriate wage rates and fringe benefits rates for
4 10 each locality as prescribed in this chapter.>
4 11 #____. Page 20, by striking lines 29 through 35.
4 12 #____. Page 21, by striking line 1 and inserting
4 13 the following:
4 14 <Sec. _____. EFFECTIVE DATE. The section of this
4 15 act enacting section 91F.14, being deemed of>.
4 16 #____. Page 21, line 2, by inserting after the word
4 17 <enactment.> the following: <This Act shall not apply
4 18 to public improvement bids that have been awarded to a
4 19 contractor before July 1, 2009.>>
4 20 #5. By renumbering and correcting internal
4 21 references as necessary.
4 22
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4 24
4 25 R. OLSON of Polk
4 26 HF 333.711 83
4 27 ak/rj/21658